Report to Planning and Environment Committee

To: Chair and Members

Planning & Environment Committee

From: George Kotsifas P. Eng.,

Managing Director, Development & Compliance Services and

Chief Building Official

Subject: Draft Plan of Vacant Land Condominium On The Submission

By Goldfield Ltd. for 3542 Emilycarr Lane

Public Participation Meeting on: December 14, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Goldfield Ltd., relating to the property located at 3542 Emilycarr Lane:

- the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to the property located at 3542 Emilycarr Lane; and,
- (b) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the Site Plan Approval application relating to the property located at 3542 Emilycarr Lane.

Executive Summary

Summary of Request

This is a request by Goldfield Ltd. to consider a proposed Draft Plan of Vacant Land Condominium. The proposed Plan of Condominium is being reviewed concurrently with an application for Site Plan Approval (SPA19-106). The plan consists of 41 dwelling units within multiple townhouses and a new private road providing access from Lismer Lane. The applicant's intent is to register the development as one Condominium Corporation.

Purpose and the Effect of Recommended Action

The purpose and effect is to report to the Approval Authority any issues or concerns raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium or the Site Plan Approval application.

Rationale of Recommended Action

- The proposed Vacant Land Condominium is consistent with the Provincial Policy Statement, which directs new development to designated growth areas and areas adjacent to existing development;
- ii) The proposed Vacant Land Condominium conforms to the in-force policies of The London Plan including but not limited to Our Tools, Key Directions, and the Neighbourhoods Place Type policies;
- iii) The proposed Vacant Land Condominium conforms to the policies of the Southwest Area Secondary Plan and will implement an appropriate housing form for the North Longwoods Neighbourhood; and
- iv) The proposed Vacant Land Condominium conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Multi-Family, Medium Density

Residential Designation and will implement an appropriate form of residential development for the site.

Analysis

1.0 Site at a Glance

1.1 Property Description

The property is located on the north side of Limser Lane between Emilycarr Lane and David Milne Way. North of the site is a new subdivision currently under devleopment and to the east is an existing residential neighbourhood. West of the site is mainly undeveloped lands with a few existing commercial uses and south of the site is undeveloped and targeted for futrue residential uses. The proposal consists of one medium density residential block within a draft plan of subdivison (Block 6, Plan 33M-786). The site has full access to municipal services and is located in an area which is planned for future growth.

1.2 Current Planning Information (see more detail in Appendix C)

- The London Plan Place Type Neighbourhoods
- Official Plan Designation Multi-Family, Medium Density Residential
- SWAP Medium Density Residential
- Existing Zoning h*h*100*h-104*h-155*R5-7

1.4 Site Characteristics

- Current Land Use Vacant
- Frontage 66 metres (Lismer Lane)
- Depth Varies
- Area 0.64ha (1.58ac)
- Shape Irregular

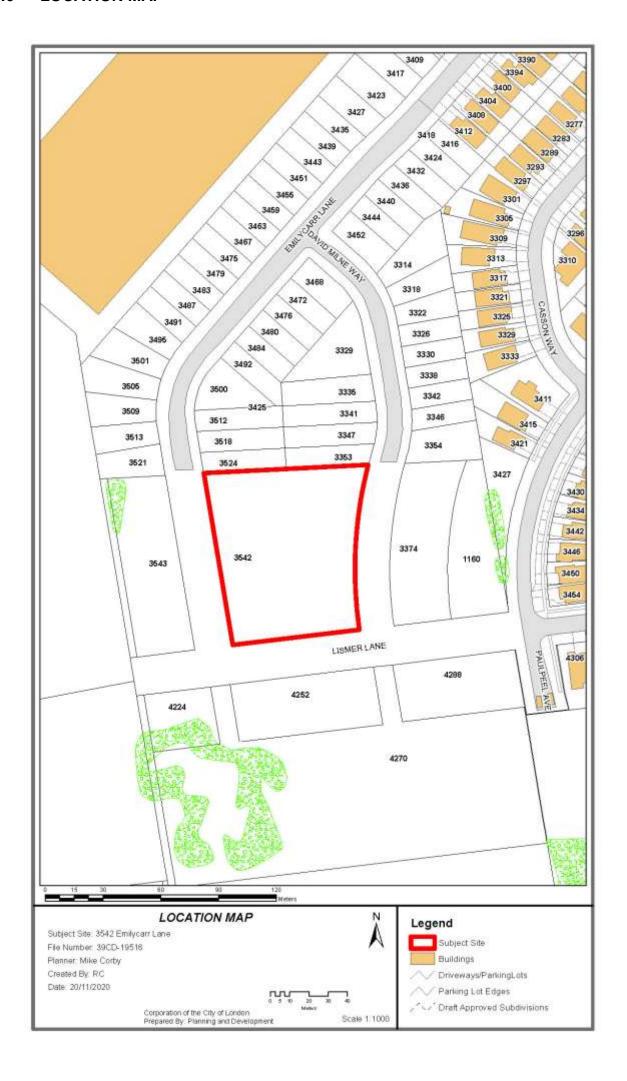
1.5 Surrounding Land Uses

- North -Residential
- East Residential
- South Future Residential
- West Future Residential

1.5 Intensification (41 units)

• The 41 unit, cluster townhome development located outside of the Built-Area Boundary and Primary Transit Area

1.6 LOCATION MAP



2.0 Description of Proposal

2.1 Development Proposal

The proposed development is a 41 unit, cluster townhouse development that will be registered as a Vacant Land Condominium resulting in individual ownership for each unit. Landscaped areas, internal driveways, services, and visitor parking spaces will be located within a common element to be maintained and managed by one Condominium Corporation.

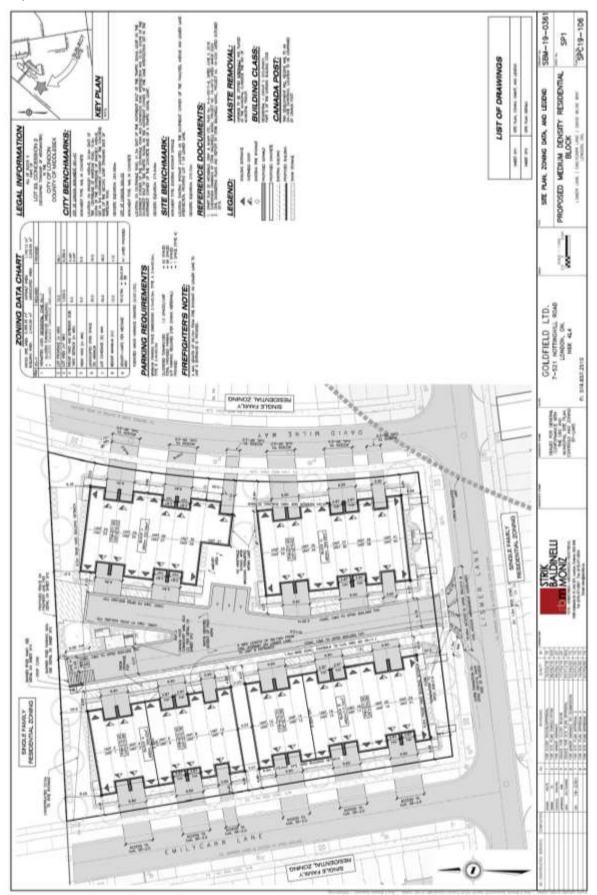


Figure 1: Proposed Vacant Land Condominium

An application for Site Plan Approval (SPA19-106) has also been made in conjunction with the application for Draft Plan of Vacant Land Condominium. The site plan submission, including servicing, grading, landscaping, and building elevation plans, are under review and will be informed by any comments received through the Vacant Land Condominium Public Participation Meeting. A subsequent application for the removal of holding provisions (h-9281) is also under review and will describe how the holding provisions have been satisfied prior to their removal.



Figure 2: Conceptual Elevations

3.0 Relevant Background

3.1 Planning History

The subject site is part of the Emilycarr South, Plan of Subdivision. On October 2, 2018 zoning was approved by Council as part of the subdivision process to permit cluster forms of residential development along with multiple holding provisions being applied. The subdivision was approved on June 22, 2020 and registered on June 29, 2020 as 33M-786.

Site plan approval was submitted along with the proposed Vacant Land Condominium in November, 2019. The VLC application was considered premature as the Plan of Subdivision had not received final approval and Block 6 was not created. During that time frame a minor variance application was submitted to accommodate the proposed cluster townhouse development. The Minor Variance application (A.021/20) permits a density of 63 units/ha, and reduced front, rear, and exterior side yard setbacks. This application was approved by the London Committee of Adjustment on July 16, 2020. Upon completion of the subdivision process and the plan being registered the required public circulation process was completed.

3.2 Community Engagement (see more detail in Appendix A)

The requested amendment was circulated to the public on October 5, 2020 and advertised in the Londoner on October 8, 2020. Through the public circulation process no comments from the public were received.

3.3 Policy Context

Provincial Policy Statement (PPS), 2020

The proposed development achieves objectives for efficient development and land use patterns. It represents new development taking place within the City's urban growth area, and within an area of the City that is currently building out. It also achieves objectives for compact form, mix of uses, and densities that allow for the efficient use of land, infrastructure and public service facilities, and maintains appropriate levels of public health and safety. The subject lands are within a registered plan of subdivision and are designated and intended over the long term for medium density residential uses. There are no natural heritage features present, and Provincial concerns for archaeological resource assessment and cultural heritage have been addressed through the subdivision approval process. The proposed Draft Plan of Vacant Land Condominium is found to be consistent with the Provincial Policy Statement.

The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). The London Plan policies under appeal to the *Local Planning Appeals Tribunal* (Appeal PL170100) and not in force and effect are indicated with an asterisk (*) throughout this report. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

These lands are within the "Neighbourhoods" Place Types along a neighbourhood street which permits a range of low density residential uses at a maximum height of 2.5-storeys. The proposed development is at 3-storeys in height which is above the permissions of The London Plan. However, the approved zoning in 2018 which permits 3-storeys was approved under the 1989 Official Plan which provided permissions for up to 4-storeys in the Multi-Family, Medium Density Residential designation.

The City Building and Our Tools policies have also been applied in the review of this application. The proposed development is in keeping with the City Design policies regarding the site layout as it is designed in a manner that will respond to future

developing in area. Front facades of the dwelling units face the public road and the townhomes are located in a manner which create a strong street-orientation along Emilycarr Lane and David Milne Way. This orientation will create an appropriate response to the future street townhouses to be developed on the opposite site of the street (252, 256). The site also promotes connectivity and safe pedestrian movement within the development through multiple internal sidewalks in front of the proposed units along with sidewalks on all three sides of the development connecting it to the surrounding neighbourhood (255*). As part of the site plan review process, the plans and building elevations were also reviewed for compliance with the City's Placemaking Guidelines and have been accepted as part of the Site Plan Approval process.

In the Our Tools section of The London Plan, Vacant Land Condominiums are considered based on the following (1709):

1. The same considerations and requirements for the evaluation of draft plans of subdivision shall apply to draft plans of vacant land condominium;

The proposed draft plan of vacant land condominium has been evaluated with regards to the review criteria for plans of subdivision. The proposed cluster townhouse dwelling units conform to the Official Plan and The London Plan policies, and have access to municipal services. The access and residential uses proposed are appropriate for the site, and there are no natural features or hazards associated with the site. There is sufficient park space within the neighboruhood to the east, and existing commercial uses in close proximity to the surrounding neighbourhood. Building elevation plans have been reviewed as part of the site plan submission. The size and style of townhouse dwellings are anticipated to contribute to housing choice and meet the community demand for housing type, tenure and affordability. Any outstanding grading and drainage issues that were not addressed to the plan of subdivision process will be addressed by the applicant's consulting engineer to the satisfaction of the City through the accepted engineering and servicing drawings, future Development Agreement and Site Plan Approval process.

2. The applicant may be required to provide site development concepts and meet design requirement consistent with the Site Plan Control By-law as part of the consideration of a draft plan of vacant land condominium;

The draft plan of Vacant Land Condominium is being concurrently considered with an active Site Plan Application. The various requirements of the Site Plan Control By-law will be considered and implemented through a Development Agreement for the lands.

3. Proposals for vacant land condominiums which will result in units above or below any other unit will not be supported;

The proposed townhouse units do not result in unit boundaries below or above other units.

4. Only one dwelling will be permitted per unit;

There is only one townhouse dwelling proposed per unit.

5. At the time of registration, structures cannot cross unit boundaries;

A signed Development Agreement will be required prior to the final approval of the Vacant Land Condominium that will confirm both the location of strucures and unit boundaries.

6. The registration of a proposed development as more than one vacant land condominum corporation may be permitted if the proposal is supportive of comprehensive development and planning goals. The minimum number of units

to be included in each condominum corporation will be adequate to allow for the reaonable independent operation of the condominum corporation.

The proposed cluster townouse development is to be developed as one condominium corporation.

Southwest Area Secondary Plan

The site forms part of the Southwest Area Secondary Plan (SWAP) and is subject to the development vision and detailed policies of the SWAP. The site is located in the 'North Longwoods Residential Neighbourhood' within the greater area plan.

New development in North Longwoods will reflect the existing character of the neighbourhood and provide a walkable environment with a pedestrian scale. The built form will be primarily street oriented on all public rights-of-ways. The Low and Medium Density Residential designations apply to most of the existing and planned neighbourhoods of North Longwoods, reflecting land uses established through previous Area Plans and site specific applications. The proposed development is in a developing area with limited character established to date. The development creates a walkable environment and will establish a pedestrian scale through the site layout and proposed built form along the public rights-of way. The development will help define and establish the character of the neighbourhood.

The primary permitted uses and densities in the Multi-Family, Medium Density Residential (MFMDR) designation of SWAP defer to the permitted uses of the MFMDR designation in the 1989 Official Plan. The proposed cluster townhouse development is considered a permitted landuse and the proposed density of 63uph is in keeping with the density permissions of the plan. The proposed vacant land condominium is considered appropriate for the site and meets the intent of providing a mix of housing forms and choice in the neighbourhood.

1989 Official Plan

The 1989 Official Plan designation for these lands is Multi-Family, Medium Density Residential (MFMDR). The primary permitted uses in the Multi-Family, Medium Density Residential designation shall include multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged (3.3.1. Permitted Uses). The proposed vacant land condominium is in keeping with the range of permitted uses.

Developments within areas designated Multi-Family, Medium Density Residential shall have a low-rise form and a site coverage and density that could serve as a transition between low density residential areas and more intensive forms of development. The proposed townhouses take on a similar scale of development to what exists and is planned for in the area providing for a compatible form of development helping transition between the low density residential land uses to the north and future Medium density Land uses to the south. The development also provides a density of 63 uph which is less the 75 uph permitted in the MFMDR designation (3.3.3. Scale of Development).

Vacant Land Condominium Application

The City of London Condominium Guidelines have been considered for the proposed Vacant Land Condominium which is comprised of various units and common elements. The City may require applicants to satisfy reasonable conditions prior to Final Approval and registration of the plan of condominium, as authorized under the provisions of subsection 51(25) of the *Planning Act*. In order to ensure that this Vacant Land Condominium development functions properly, the following may be required as conditions of draft approval:

• That site plan approval has been given and a Development Agreement has been

entered into;

- Completion of site works in the common elements and the posting of security in addition to that held under the Development Agreement (if applicable), in the event these works are not completed prior to registration of the plan of condominium;
- Confirmation of addressing information and door point numbers;
- Payment of outstanding taxes or local improvement charges, if any;
- Provision of servicing easements for utility providers (such as London Hydro, Union Gas, Bell, etc.);
- The maintenance of any stormwater servicing works including on-site works;
- Arrangements be made dealing with rights of access to and use of joint facilities, and responsibility for and distribution of costs for maintenance of joint facilities; and,
- Ensuring that the Condominium Declaration to be registered on title adequately addresses the distribution of responsibilities between the unit owners and the condominium corporation for the maintenance of services, the internal driveway, amenity areas, and any other structures in the common elements.

Z.-1 Zoning By-law

The existing zoning is a Holding Residential R5 (h*h-100*h*104*h-155*R5-7) Zone which permits a range of dwelling types, including the cluster townhouse dwellings proposed. As previously noted the subject site received minor variances for density and multiple setback requirements which the proposed development conforms to. These variances included a front yard setback of 4.4m (14.4ft), whereas 6.0m (19.7ft) is the required minimum; an exterior side yard setback of 4.4m (14.4ft), whereas 6.0m (19.7ft) is the required minimum; a rear yard of 4.5m (14.8ft), whereas 6.0m (19.7ft) is the required minimum.

The holding provisions that currently form part of the zone are for the orderly development of the lands through an approved Development Agreement, water-looping and access is available, ensure that a comprehensive storm drainage and stormwater management (SWM) report is prepared and that the Owner has entered into a development agreement with the City of London, to ensure that the development is consistent with and conforms to the guidelines and vision of OPA 541, Southwest Area Secondary Plan. A report addressing each of these items will be brought forward under application H-9281. The proposed vacant land condominium and proposed site plan are consistent with the Zoning By-law and approved variances.

More information and detail is available in the appendices of this report.

5.0 Conclusion

The proposed Vacant Land Condominium is consistent with the Provincial Policy Statement, and in conformity with The London Plan, the 1989 Official Plan, and the Southwest Area Secondary Plan. The proposed cluster townhouse dwelling units are appropriate for the site and permitted under the existing zoning. An Application for Site Plan Approval has also been submitted and reviewed in conjunction with the application for Vacant Land Condominium.

Prepared by:	
	Mike Corby, MCIP, RPP Senior Planner, Development Services
Recommended by:	
	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	
	George Kotsifas, P.Eng. Managing Director, Development and Compliance Services and Chief building Official

Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.

December 7, 2020

\\FILE1\users-x\pdda\Shared\DEVELOPMENT SERVICES\3 - Condominiums\2019\39CD-19516 - 3542 Emilycarr Lane (MC)\Draft Approval\PEC Report\39CD-19516 3542 Emilycarr Lane.docx

cc: Michael Pease, Manager, Development Planning

cc: Matt Feldberg, Manager, Development Services (Subdivisions) cc: Heather McNeely, Manager, Development Services (Site Plans)

Appendix A – Community Engagement

Public liaison: On October 5, 2020, Notice of Application was sent to 181 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 8, 2020. A "Planning Application" sign was also posted on the site.

No relies were received.

Nature of Liaison: The purpose and effect of this application is to approve a Draft Plan of Vacant Land Condominium consisting of 41 townhouse dwelling units at a density of 65 uph. Consideration of a proposed draft plan consisting of 41 townhouse dwelling units and a common element for private access driveway and services to be registered as one Condominium Corporation. Application has also been made for approval for Site Plan Approval.

Responses to Public Liaison Letter and Publication in "The Londoner"

Agency/Departmental Comments

Canada Post - December 6, 2019

This development will receive mail service to centralized mail facilities provided through our Community Mailbox program.

I will specify the conditions which I request to be added for Canada Post Corporation's purposes.

The owner shall complete to the satisfaction of the Director of Engineering of the City of London and Canada Post:

- a) include on all offers of purchase and sale, a statement that advises the prospective purchaser:
- i) that the home/business mail delivery will be from a designated Centralized Mail Box.
- ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) the owner further agrees to:
- i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
- ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
- iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
- iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be

prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, please update our office so that we may determine any impact on mail service.

Canada Post appreciates the opportunity to comment on the above noted application and looks forward to working with you in the future.

Stormwater Engineering Division - December 18, 2019

Please include the following condition from SWED for the above noted application.

"The Owner acknowledges that the subject lands are part of a Site Plan application which is being reviewed or has been accepted under the Site Plan Approvals Process (File # SPA19-106) and that the Owner agrees that the development of this site under Approval of Draft Plan of Vacant Land Condominium shall comply with all final approved Site Plan conditions and approved engineering drawings for the current development application. Therefore, any conditions identified in the Development Agreement registered on title and any Private Permanent System(s) (PPS) that includes storm/drainage, Low Impact Development (LID) and SWM servicing works must be maintained and operated by the Owner in accordance with current applicable law."

Bell Canada - October 22, 2020

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

"The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities or easements within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost."

The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. However, all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP. WSP is not responsible for the provision of comments or other responses.

UTRCA - October 23, 2020

The UTRCA has no objections to this application and a Section 28 permit will not be required. Thank you for the opportunity to comment.

London Hydro - October 5, 2020

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

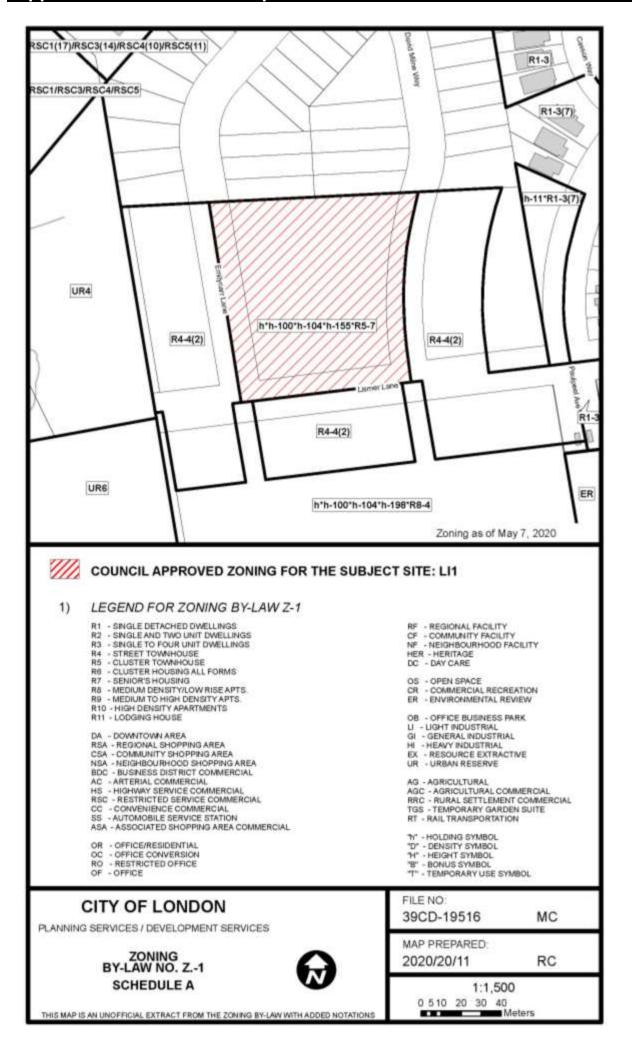
Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense. Above-grade transformation is required. Note: A blanket easement will be required. Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements & availability.

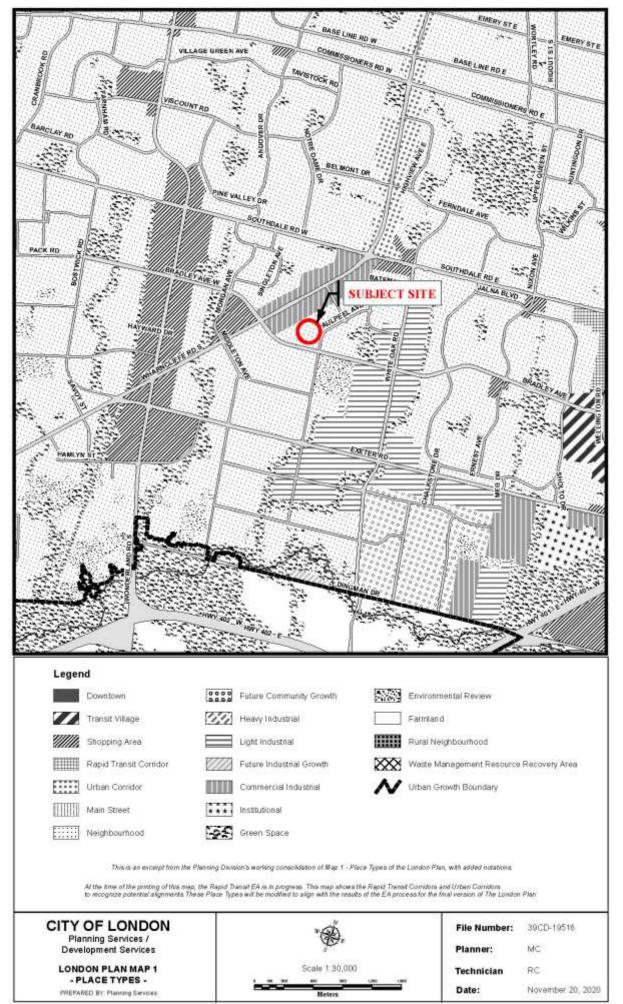
Stormwater Engineering - August 6, 2019

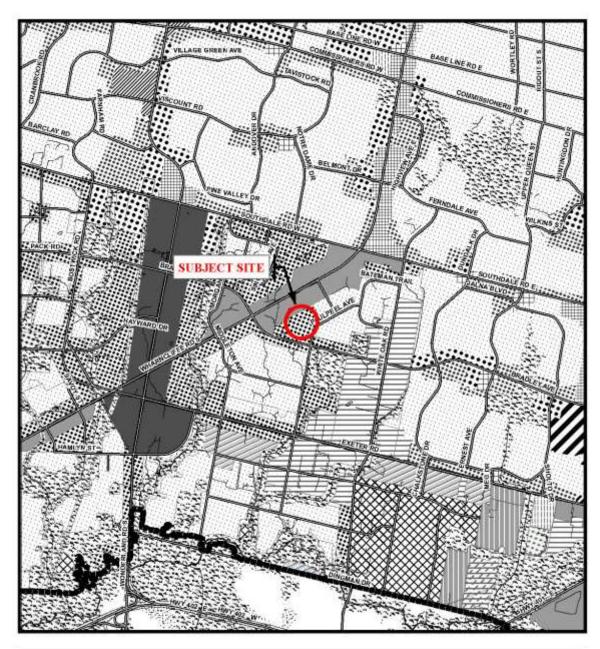
Please include the following conditions from SWED for the above noted application.

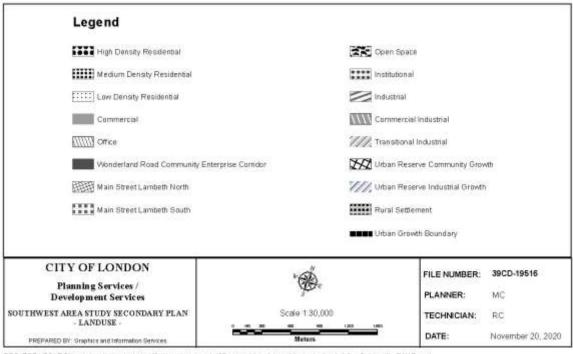
"The Owner acknowledges that the subject lands are part of an accepted Site Plan which was reviewed and processed under the Site Plan Approvals Process (File # SPA18-136) and that the Owner agrees that the development of this site under Draft Plan of Vacant Land Condominium shall comply with all final approved Site Plan conditions and approved engineering drawings for the current development application. Therefore, any conditions identified in the Development Agreement registered on title and any Private Permanent System(s) (PPS) that includes storm/drainage, Low Impact Development (LID) and SWM servicing works must be maintained and operated by the Owner in accordance with current applicable law."

Appendix B – Additional Maps









PROJECT LOCATION, enplanning/projects/p_official/plantworkconsult/Drexcerpts/mxid_templates/achedureA_b6w_8x14_with_SWAP.mxid

FILE NUMBER: 39CD-19516

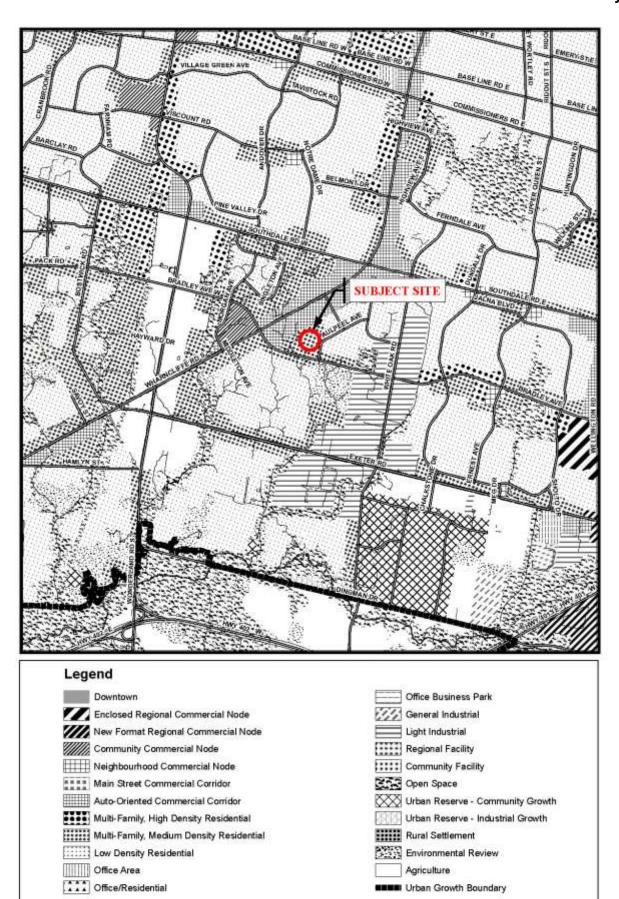
MC

2020/20/11

PLANNER:

DATE:

TECHNICIAN: RC



Scale 1:30,000

CITY OF LONDON

Department of Planning and Development

OFFICIAL PLAN SCHEDULE A - LANDUSE -